

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., et al.,

Debtors.

Chapter 11

Case No. 23-11131 (TMH)

(Jointly Administered)

**SUPPLEMENTAL DECLARATION OF GLENN F. OSTRAGER  
IN SUPPORT OF THE OBJECTION OF ANDREW E. ROTH, AN AMYRIS  
SHAREHOLDER, TO CONFIRMATION OF THE DEBTORS’  
SECOND/THIRD AMENDED JOINT PLAN OF REORGANIZATION**

GLENN F. OSTRAGER, hereby declares under penalty of perjury, pursuant to the provisions of 28 U.S.C. § 1746, as follows:

1. I am an attorney at law duly admitted to practice in the State of New York. I have personal knowledge of the facts set forth herein and, if called upon to do so, I could and would testify competently to the contents of this declaration. I make this declaration in support of the Objection by Andrew E. Roth, a shareholder of Amyris, Inc., to confirmation of the Debtors’ Second and Third Amended Joint Plans of Reorganization.

2. I am a partner with the law firm of Ostrager Chong Flaherty and Broitman P.C. (“OCFB”) and maintain an office for the practice of law at 437 Madison Avenue, 24<sup>th</sup> Floor, New York, New York 10022-7035.

3. I was admitted *pro hac vice* to this Court on August 24, 2023.

4. Attached hereto as **Exhibit 3** is a true and correct copy the Complaint (Doc. No. 1) filed on June 4, 2021 with the U.S. District Court for the Northern District of California in the case captioned *Andrew E. Roth v. Foris Ventures, LLC et al*, No. 21-cv-04288-YGR (the “**Foris Action**”).

5. Attached hereto as **Exhibit 4** is a true and correct copy of the district court's Order filed June 13, 2022 in the Foris Action (Doc. No. 44) granting in part and denying in part the defendants' motion to dismiss.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the district court's Order filed August 19, 2022 in the Foris Action (Doc. No. 65) certifying the case for immediate interlocutory appeal.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Brief of the Securities and Exchange Commission as *Amicus Curiae* filed February 10, 2023 (Doc. No. 22) with the U.S Court of Appeals for the Ninth Circuit in the interlocutory appeal of the Foris Action captioned *Andrew E. Roth v. Foris Ventures, LLC et al*, No. 22-16632 (the "**Foris Appeal**")


8. Attached hereto as **Exhibit 7** is a true and correct copy of the Ninth Circuit Order filed August 14, 2023 (Doc. No. 49) in the Foris Appeal staying appellate proceedings for Amyris, Inc. only, due to the automatic stay imposed pursuant to 11 U.S.C. § 362.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Ninth Circuit Opinion in the Foris Appeal filed November 13, 2023 (Doc. No. 51) affirming in part, reversing in part, and remanding in part.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the Ninth Circuit Mandate in the Foris Appeal filed December 5, 2023 (Doc. No. 52).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: January 23, 2024  
New York, New York

  
Glenn F. Ostrager

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23th day of January 2024, a true and correct copy of the foregoing Declaration of Glenn Ostrager in Support of the Objection of Andrew E. Roth, An Amyris Shareholder, To Confirmation of The Debtors' Second Amended Joint Plan of Reorganization was furnished to all ECF Participants via the CM/ECF system, and/or served via email upon the following:

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